

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

ERICK ZAK,
a/k/a "Erick Aguillo,"

Defendant.

Attachment

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>3/24/10</u>

: ORDER OF FORFEITURE

: S1 07 Cr. 1171 (CM)

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WHEREAS, on February 25, 2009, ERICK ZAK, a/k/a "Erick Aguillo" (the "defendant") was charged in a two-count Superseding Information, S1 07 Cr. 1171 (CM) (the "Information"), with conspiring to distribute 5 kilograms and more of cocaine, in violation of 21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(A), and 846 (Count One) and possessing with intent to distribute 500 grams and more of cocaine, in violation of 21 U.S.C. §§ 812, 841(a)(1), and 841(b)(1)(B) (Count Two);

WHEREAS, the Information included a forfeiture allegation providing notice that, as a result of the offenses alleged in the Information, the defendant shall forfeit, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds obtained directly or indirectly as a result of the offenses alleged in the Information and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offenses alleged in Counts

One and Two of the Information, including but not limited to, a sum of money equal to \$170,000 in United States currency;

WHEREAS, on February 25, 2009, the defendant pled guilty to Counts One and Two of the Information pursuant to a plea agreement with the Government;

WHEREAS, under the terms of the plea agreement, the defendant admitted the forfeiture allegation with respect to Counts One and Two of the Information and agreed to forfeit to the United States a sum of money equal to \$170,000 in United States currency, representing the amount of proceeds obtained by the defendant as a result of the conduct charged in the Information; and

WHEREAS, on March 5, 2010, the defendant was sentenced and ordered to forfeit a sum of \$170,000 in United States currency, representing the amount of proceeds obtained as a result of the offenses charged in Counts One and Two of the Information;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the defendant pled guilty, a money judgment in the amount of \$170,000 shall be entered against the defendant, as part of his criminal sentence, for which he is liable.

2. Pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, this Order of Forfeiture is final as to the defendant and is deemed part of the sentence of the defendant and shall be included in the judgment of conviction therewith.

3. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

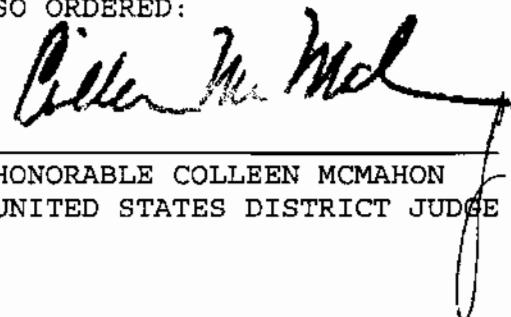
4. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007.

5. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

6. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
March 24 , 2010

SO ORDERED:



A handwritten signature in black ink, appearing to read "Colleen McMahon". It is written in a cursive style with some variations in letter height and slant.

HONORABLE COLLEEN McMAHON
UNITED STATES DISTRICT JUDGE